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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/445,268

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DANIEL RICHARD SCHNEIDEWEND

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04/06/2006

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/445,268	Applicant(s) SCHNEIDEWEND ET AL.	
	Examiner Michael Van Handel	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 11/23/2005. Claims **1-17** are pending. Claim **12** is amended.

Response to Arguments

2. Applicant's arguments filed 11/23/2005 with respect to claims **1-15** have been considered but are moot in view of the new grounds of rejection.
3. Applicant's arguments filed 11/23/2005 with respect to claims **16** and **17** have been fully considered but they are not persuasive.

Regarding claim **16**, the applicant argues that LaJoie et al. fails to teach or suggest a method in which a program is automatically removed from a first list of programs selected for recording in response to user removal of the program from a second list of programs selected for purchase. The examiner respectfully disagrees. The examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it would be counterintuitive to list it with the VCR timers and PPV purchases in the general settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, l. 47-56 & Fig. 14). Thus, in canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording. Removing a program scheduled for purchasing and recording from the all timers list, but not from the list of PPV purchases or VCR timers would cause the PPV purchases and VCR timers lists to present false information

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to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to remove a scheduled event from a list in response to removing the event from a list of all scheduled events in order to avoid confusing a user.

Regarding claim 17, the applicant argues that LaJoie et al. fails to teach or suggest a method in which an on screen display option is provided so that a user is afforded an opportunity to cancel the purchase of a program in response to cancellation of recording the program. The examiner respectfully disagrees. the examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it would be counterintuitive to list it with the VCR timers and PPV purchases in the general settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, l. 47-56 & Fig. 14). In canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording and would no longer appear on any timer list. LaJoie et al. also suggests the use of conflict checking features in verifying that there are no conflicts created by a modified setting (for example, when there are overlapping timers)(col. 21, l. 30-35). LaJoie et al. specifically provides the example of a warning screen that alerts the user when trying to record an IPPV program and provides the user with the option of purchasing the program or canceling the warning (col. 21, l. 42-49). LaJoie et al. further illustrates that programs can be selected for purchasing and viewing or purchasing and recording (indicated by REC and PPV or the timer icon and PPV)(Fig. 14). Since a program scheduled for purchasing and recording could also be scheduled for purchasing and viewing, it would have been obvious to one of ordinary skill in the art at the time that

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the invention was made to use a conflict checking feature to allow a user the options of either purchasing and viewing the program or canceling the program from all timers in order to provide a more user-friendly interface.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-11, 13-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. in view of the RCA DRD202RA Owner's Manual.

Referring to claim **1**, LaJoie et al. discloses an apparatus for receiving a plurality of programs, comprising:

- user interface means for selecting a program from said plurality of programs (col. 25, l. 61-67, col. 26, l. 1-19, & Fig. 18); and
- a controller, in response to a first user action for selecting a first program for recording, storing said first program in a first list representing a list of programs to be recorded (pressing the record key 472 with a program 474 highlighted causes a VCR timer to be set up for the highlighted program and further causes the program to be added to the VCR timers in the general settings menu 480 and added to the all timers setting in the general settings menu)(col. 22, l. 47-52; col. 29, l. 5-16; Fig. 14; & Fig. 24).

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LaJoie et al. also discloses a process for purchasing an Impulse-Pay-Per-View (IPPV) event (col. 31, l. 33-49 & Fig. 29). Buying an IPPV event causes the program to be added to the PPV purchases in the general settings menu (col. 22, l. 16-25 & Fig. 13). LaJoie et al. further discloses a conflict checking feature. If a user attempts to record an IPPV event, an interactive warning window 270 is displayed alerting the user that the IPPV event sought to be recorded has not been purchased, then allows the user to press "B" application definable key 252 to buy the event (col. 21, l. 42-49 & Fig. 12). LaJoie et al. still further discloses an all timers setting of the general settings menu in which it is clearly shown that programs can be scheduled for future recording, purchasing, or both purchasing and recording (col. 22, l. 47-52 & Fig. 14). LaJoie et al. does not disclose an on screen user option indicating that a user can both purchase and record a selected program, so that the user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program. RCA DRD202RA Owner's Manual discloses a Buy and Record Option (Buy and Record Option p. 29). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to replace the conflict checking functionality of recording an IPPV program of LaJoie et al. with a Buy and Record Option, such as that taught by the RCA DRD202RA Owner's Manual in order to provide a more user-friendly interface.

Referring to claims 2 and 7, the combination of LaJoie et al. and the RCA DRD202RA Owner's Manual teaches the apparatus of claims 1 and 6, respectively, wherein said first list includes a timer conflict indication for programs having a timer conflict (col. 21, l. 30-42 & Fig. 12).

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Referring to claims 3 and 8, the combination of LaJoie et al. and the RCA DRD202RA Owner's Manual teaches the apparatus of claims 1 and 6, respectively, wherein said first list includes a purchase indication for said second program (the examiner notes that the VCR timers in the general settings menu display the channels that are to be recorded, as shown in Fig. 12. If a program were scheduled to be purchased and recorded, the channel would read PPV, corresponding to that shown in Fig. 14)(Fig. 12 & Fig. 14).

Referring to claims 4, 9, and 14, the combination of LaJoie et al. and the RCA DRD202RA Owner's Manual teaches the apparatus of claims 1, 6, and 13, respectively, wherein said controller first determines whether there is a timer conflict between said second program and another program on said first list before storing said second program on said first list (col. 21, l. 30-55 & Fig. 12).

Referring to claims 5, 10, and 15, the combination of LaJoie et al. and the RCA DRD202RA Owner's Manual teaches the apparatus of claims 4, 9, and 14, respectively, wherein said controller prompts a user to resolve said timer conflict if said timer conflict exists (col. 21-22, l. 55-5 & Fig. 12).

Referring to claim 6, LaJoie et al. discloses an apparatus for processing a program, comprising:

- on screen display means for displaying a first list representing programs selected for recording (pressing the record key 472 with a program 474 highlighted causes a VCR timer to be set up for the highlighted program and further causes the program to be added to the VCR timers in the general settings menu 480)(col. 29, l. 5-16 & Fig. 24); and

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- on screen display means for displaying a second list representing programs selected for purchasing and recording (Fig. 14);

LaJoie et al. also discloses a process for purchasing an Impulse-Pay-Per-View (IPPV) event (col. 31, l. 33-49 & Fig. 29). Buying an IPPV event causes the program to be added to the PPV purchases in the general settings menu (col. 22, l. 16-25 & Fig. 13). LaJoie et al. further discloses a conflict checking feature. If a user attempts to record an IPPV event, an interactive warning window 270 is displayed alerting the user that the IPPV event sought to be recorded has not been purchased, then allows the user to press “B” application definable key 252 to buy the event (col. 21, l. 42-49 & Fig. 12). LaJoie et al. still further discloses an all timers setting of the general settings menu in which it is clearly shown that programs can be scheduled for future recording, purchasing, or both purchasing and recording (col. 22, l. 47-52 & Fig. 14). LaJoie et al. does not disclose an on screen user option indicating that a user can both purchase and record a selected program, so that the user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program. RCA DRD202RA Owner’s Manual discloses a Buy and Record Option (Buy and Record Option p. 29). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to replace the conflict checking functionality of recording an IPPV program of LaJoie et al. with a Buy and Record Option, such as that taught by the RCA DRD202RA Owner’s Manual in order to provide a more user-friendly interface.

Referring to claim 11, LaJoie et al. discloses an apparatus for processing a program, comprising:

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- user interface means for selecting said program from a plurality of programs (col. 25, l. 61-67, col. 26, l. 1-19, & Fig. 18); and
- a controller, in response to a user action for canceling said program, removing said program from a first list (Fig. 14) representing a list of programs purchased and automatically removing said program from a second list representing a list of programs to be recorded (the examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it must also be removed from the VCR timers and PPV purchases in the general settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal. In canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording and would no longer appear on any timer list.)(col. 22, l. 47-56 & Fig. 14).

LaJoie et al. does not disclose an on screen user option indicating that a user can both purchase and record a selected program, so that the user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program. RCA DRD202RA Owner's Manual discloses a Buy and Record Option (Buy and Record Option p. 29). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to replace the conflict checking functionality (see rejections of claims 1 and 6 above) of recording an IPPV program of LaJoie et al. with a Buy and Record Option, such as that taught by the RCA DRD202RA Owner's Manual in order to provide a more user-friendly interface.

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Referring to claim 13, LaJoie et al. discloses a method for processing a plurality of programs, comprising:

- selecting a first program for recording from said plurality of programs (pressing the record key 472 with a program 474 highlighted causes a VCR timer to be set up for the highlighted program)(col. 29, l. 5-16 & Fig. 24);
- storing said first program in a first list (the program to be added to the VCR timers in the general settings menu 480);
- selecting a second program to be purchased and recorded (Fig. 12);

LaJoie et al. also discloses a process for purchasing an Impulse-Pay-Per-View (IPPV) event (col. 31, l. 33-49 & Fig. 29). Buying an IPPV event causes the program to be added to the PPV purchases in the general settings menu (col. 22, l. 16-25 & Fig. 13).

LaJoie et al. further discloses a conflict checking feature. If a user attempts to record an IPPV event, an interactive warning window 270 is displayed alerting the user that the IPPV event sought to be recorded has not been purchased, then allows the user to press “B” application definable key 252 to buy the event (col. 21, l. 42-49 & Fig. 12). LaJoie et al. still further discloses an all timers setting of the general settings menu in which it is clearly shown that programs can be scheduled for future recording, purchasing, or both purchasing and recording (col. 22, l. 47-52 & Fig. 14). LaJoie et al. does not disclose an on screen user option indicating that a user can both purchase and record a selected program, so that the user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program. RCA DRD202RA Owner’s Manual discloses a Buy and Record Option (Buy and Record

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Option p. 29). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to replace the conflict checking functionality of recording an IPPV program of LaJoie et al. with a Buy and Record Option, such as that taught by the RCA DRD202RA Owner's Manual in order to provide a more user-friendly interface.

6. Claims **12, 16, 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al.

Referring to claim **12**, LaJoie et al. discloses an apparatus for processing a program, comprising:

- on screen display means for displaying a first list representing programs selected for recording (pressing the record key 472 with a program 474 highlighted causes a VCR timer to be set up for the highlighted program and further causes the program to be added to the VCR timers in the general settings menu 480)(col. 29, l. 5-16 & Fig. 24);
- first user control means for selecting to both purchase and record a program (col. 21, l. 42-49 & Fig. 12);
- on screen display means for displaying a second list representing programs selected for purchasing (Fig. 14); and
- second user control means for removing a selected program from said first and second lists (col. 22, l. 52-56 & Fig. 14);

LaJoie et al. does not specifically disclose a control means, in response to said user removal of said program from said second list, automatically removing said program from said first list; however, the examiner notes that if a program scheduled for

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purchasing and recording is canceled from the all timers list, it would be counterintuitive to list it with the VCR timers and PPV purchases in the general settings menu. Further, LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, l. 47-56 & Fig. 14). Thus, in canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording. Removing a program scheduled for purchasing and recording from the all timers list, but not from the list of PPV purchases or VCR timers would cause the PPV purchases and VCR timers lists to present false information to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to remove a scheduled event from a list in response to removing the event from a list of all scheduled events, in order to avoid confusing a user.

Referring to claim 16, LaJoie et al. discloses a method for processing a plurality of programs, comprising:

- selecting a first program for removing from a first list representing a list of programs selected for recording (removing a program scheduled only for recording from the all timers list would remove it from the VCR timers list)(Fig. 14);
- selecting a second program for removing from a second list representing a list of programs purchased (Fig. 14);

LaJoie et al. does not specifically disclose determining whether a second program also appears on a first list; and removing, automatically, said second program from said first list if said second program appears on said first list; however, the examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it

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would be counterintuitive to list it with the VCR timers and PPV purchases in the general settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, l. 47-56 & Fig. 14). Thus, in canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording. Removing a program scheduled for purchasing and recording from the all timers list, but not from the list of PPV purchases or VCR timers would cause the PPV purchases and VCR timers lists to present false information to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to remove a scheduled event from a list in response to removing the event from a list of all scheduled events, in order to avoid confusing a user.

Referring to claim 17, LaJoie et al. discloses a method of processing a program, comprising:

- removing, in response to a user command, said program from a first list of programs representing programs scheduled for recording (removing a program scheduled only for recording from the all timers list would remove it from the VCR timers list)(Fig. 14);

LaJoie et al. does not specifically disclose determining, in response to said user command, whether said program is also a purchased program; enabling an on screen display including an option to cancel the purchase of said program if it is determined that said program is also a purchased program; and removing said program from a second list of programs representing purchased programs; however the examiner notes that if a program scheduled for purchasing and recording is canceled from the all timers list, it would be counterintuitive to list it with the VCR timers and PPV purchases in the general

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settings menu. LaJoie et al. specifically states that selecting the all timers setting causes the display of all active timers in the set-top terminal (col. 22, l. 47-56 & Fig. 14). In canceling a timer from the all timers setting, the program can no longer be scheduled for purchasing or recording and would no longer appear on any timer list. LaJoie et al. also suggests the use of conflict checking features in verifying that there are no conflicts created by a modified setting (for example, when there are overlapping timers)(col. 21, l. 30-35). LaJoie et al. specifically states example of a warning screen that alerts the user when trying to record an IPPV program and provides the user with the option of purchasing the program or canceling the warning (col. 21, l. 42-49). LaJoie et al. further illustrates that programs can be selected for purchasing and viewing or purchasing and recording (indicated by REC and PPV or the timer icon and PPV)(Fig. 14). Since a program scheduled for purchasing and recording could also be scheduled for purchasing and viewing, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to use a conflict checking feature to allow a user the options of either purchasing and viewing the program or canceling the program from all timers in order to provide a more user-friendly interface.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RCA DRD302RA Owner's Manual discloses a Buy and Record Option.

Saib et al. discloses a system for selection/de-selection of timer recording and selection/de-selection of purchases.

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Horton et al. discloses a video system and method that has options for viewing a program, viewing and taping a program for free, and viewing and taping a program for fee.

Wonfor et al. discloses a method for controlling copy protection, wherein the user has a pay-to-tape option, but can tape a broadcast without paying as long as it is not a pay-per-view program.

Daniels discloses an electronic programming schedule that has Goto Program, Record, and Rec. & GotoProgram user options.

Klosterman et al. discloses a system that can automatically charge a user when trying to record a pay-per-view program.

Pond discloses a method for presetting a recording timer and pay-per-view keystroke information, so that they are automatically entered when the broadcast time arrives.

Saward discloses a video recorder system, wherein a user can set a timer to record a program and can pre-authorize payment if the program is a pay-per-view, so that the user is automatically charged when the program is received.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Michael Van Handel
Examiner
Art Unit 2623

MVH



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